

REMARKS

In the Office Action, claims 1-21, and 23-31 are pending in the case. The Examiner rejected all the claims under 35 U.S.C. §103(a) in view of U.S. Patent No. 6,397,308 to Ofek et al. (hereinafter "Ofek") and reference TDB-ACC-NO: NN8707744 (hereinafter "IBM TDB"). In view of previously entered amendments and amendments submitted with this paper claims 1-3, 6-13, 15-21, 23-24, and 26-31 are currently pending in the case. Claims 4, 14, and 25 were cancelled in a previous amendment. Claim 22 was inadvertently omitted when the case was filed. Applicant has cancelled claim 5 by this paper.

Applicant wishes to thank Examiner Nguyen and the Primary Examiner for holding a telephone conference with the Applicant's Attorney on January 17, 2003. Examiner Nguyen and the Primary Examiner agreed that the language concerning "deriving updates subsequent to the merge end point and applying the updates to the restored database data set" found in claim 11 distinguishes over the IBM TDB reference and is not taught or suggested in Ofek. The Primary Examiner noted that further review of the specification and art would be required.

In view of this agreement, Applicant has amended claim 1 to include the features of claim 11. In addition, claims 6 and 7 have been amended to resolve dependency issues. Applicant has also amended claims 23-24, and 27-30 to resolve dependency issues. These amendments have been made to clarify the invention and are not intended to limit the scope of the original claims.

In view of these amendments, reconsideration and allowance of claims 1-3, 6-13, 15-21, 23-24, and 26-31 is respectfully requested.

In view of the foregoing, Applicant submits that the application is in condition for immediate allowance. In the event any questions remain, the Examiner is respectfully requested to initiate a telephone conference with the undersigned.

Respectfully submitted,



David J. McKenzie

Reg. No. 46,919

Attorney for Applicant

Date: March 18, 2003

KUNZLER AND ASSOCIATES

10 W. 100 S. Suite 425

Salt Lake City, UT 84101

Telephone: 801/539-1900

F:\FILES\Brian\!Client Files\!1100 SantaTeresa\1115\OA2\1100.2.15OAR2.doc